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# San Diego City Attorney **MICHAEL J. AGUIRRE**

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## NEWS RELEASE

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### **FEDERAL COURT DISMISSES LAWSUIT AGAINST THE CITY OF SAN DIEGO IN MOUNT SOLEDAD CROSS CASE**

*City Attorney's Position Regarding Dismissal Prevails*

**San Diego, CA:** A federal court judge has dismissed a lawsuit filed against the City of San Diego involving the Mt. Soledad Veterans War Memorial. Steve Trunk and the late Philip Paulson sued the City and the federal government, after the federal government acquired the memorial property from the City via eminent domain on August 14, 2006.

In their lawsuit, *Steve Trunk, et al. v. City of San Diego, et al.*, Case No. 06cv1597, Trunk and Paulson asked the federal court to order removal of the Mt. Soledad cross from the Mt. Soledad Veterans War Memorial. Trunk and Paulson also asked the federal court to declare the federal law that permitted the transfer of the property unconstitutional.

In addition, both men claimed that the display of the cross on public property violated their state and federal constitutional rights because they are atheists and the cross is a religious symbol.

In dismissing the lawsuit against the City, the federal court agreed with the City Attorney's position that the City should be dismissed from the lawsuit because the federal government owns the memorial property. Now that the City has been dismissed from the lawsuit, the lawsuit will proceed only against the federal government.

As a result of the dismissal of the case against the City, the City will not be responsible for payment of any of the plaintiffs' attorney's fees or costs in the pending case.

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